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EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT PAPER NUMBER

3623

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/715,929

Applicant(s)

BEZOS ET AL.

Examiner

Susanna M. Diaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 12-18, 20 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/5/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the Appeal Brief filed on October 24, 2005, PROSECUTION IS HEREBY REOPENED. A new rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

Claims 12-18, 20, and 21 stand as withdrawn.

Claims 1-11 and 19 are presented for examination.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

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Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c). Please see the non-initialed corrections of the Residence and Post Office Address for Warren Adams and the non-initialed correction of the Residence for Kenneth Dinovo.

It does not identify the complete mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76. Please note that the zip code for Jeffrey Bezos is not listed.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "the providing review" in line 2. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, "the providing review" has been interpreted as "the product review."

Priority

5. There is no support for the concept of weighting votes in either of the provisional applications to which the instant application claims priority. The closest disclosure is found in provisional application number 60/166,547. Page 4 discusses how a "customer's level of achievement will be based on the number of useful and useless

votes that his or her reviews have collectively received.” The ranges assess a difference between “useful” and “useless” votes. There is no weighting expressly assigned to either type of vote; therefore, claim 3 is only granted the benefit of priority of the filing date of the instant application (i.e., November 17, 2000).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Epinions.com**, as disclosed in:

(a1) “Home, Netscape, Yahoo! Veterans Announce Epinions.com” (July 12, 1999),

(b1) “Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions” (September 8, 1999),

(c1) Barrett, “What’s Your Epinion?” (September 13, 1999),

(d1) Tedeschi, “Consumer Products are Being Reviewed on More Web Sites, Some Featuring Comments From Anyone With an Opinion” (October 25, 1999),
and

(e1) Wohl, “User Review - Your Opinions are Highly Valued on the Web”
(November 8, 1999)

in view of eBay, as disclosed in:

(a2) "eBay Launches the Most Comprehensive Trust and Safety Upgrades to the World's Largest Person-to-Person Trading Site" (January 15, 1999),

(b2) Lenatti, "Auction Mania" (July 1999), and

(c2) eBay's Feedback Forum web site, archived on October 12, 1999 by web.archive.org [URL:
<http://web.archive.org/web/19991012065814/pages.ebay.com/...>].

Please note that the cited references provide evidence that Epinions.com was founded in April 1999, the features of Epinions.com were made public as early as July 12, 1999, and the actual web site was officially launched on September 8, 1999. The cited references also provide evidence that eBay's Feedback Forum features were made public as early as January 15, 1999.

Epinions.com discloses a method of evaluating a product review displayed in connection with a networked commerce site, comprising:

[Claim 1] providing a product review authored by a first customer over a network to a plurality of other customers ("Home, Netscape, Yahoo! Veterans Announce Epinions.com": ¶ 4; "Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions": ¶ 2);

receiving votes over the network from other customers indicating whether the product review was helpful ("Home, Netscape, Yahoo! Veterans Announce

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Epinions.com”: ¶¶ 4, 7; “Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions”: ¶¶ 2, 4);

[Claim 2] wherein the votes comprise votes indicating that the product review is helpful and votes indicating that the product review is not helpful (“Home, Netscape, Yahoo! Veterans Announce Epinions.com”: ¶ 4; “Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions”: ¶¶ 2, 4, 7; Tedeschi: abstract).

As per claim 1, Epinions.com does not expressly teach the steps of tallying votes received for a plurality of reviews authored by the first customer to provide a total tally, the total tally including votes received for the product review, providing over the network an indication related to the vote tally for the product review in association with the product review, assigning a designation to the first customer based on the total vote tally for the plurality of reviews authored by the first customer, and displaying the designation in association with the product review. However, eBay discloses that a seller’s reputation is affected by how buyers (or other eBay members) rate him/her (“eBay Launches the Most Comprehensive Trust and Safety Upgrades to the World’s Largest Person-to-Person Trading Site”: ¶¶ 8, 10; eBay’s Feedback Forum web site: Page 1). These ratings are compiled to give each seller an overall rating while the feedback profile indicates how many ratings were positive, negative, and neutral (Lenatti: ¶¶ 19, 45; eBay’s Feedback Forum web site: Pages 1, 3, 8 -- A total accumulated rating is displayed and the member’s Feedback Profile can be accessed to

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view any negative remarks). The feedback profile information is displayed on the eBay web site, thereby providing an indication relating to the vote tally for each seller (Lenatti: ¶¶ 19, 45; eBay's Feedback Forum web site: Pages 1, 3, 8). eBay's Feedback Forum serves as a safety mechanism for its online transactions by allowing various eBay members to establish trust levels based on community ratings (Lenatti: ¶ 18). While eBay's Feedback Forum focuses on ratings of the buyers' and sellers' performances related to a transaction (as opposed to Epinions.com, which rates the opinions of its members), both online communities rely on establishing trust among its members based on community ratings (e.g., see all of "Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions"). Consequently, the Examiner asserts that eBay's Feedback Forum provides a solution that is reasonably pertinent to the problem at hand in Epinions.com, i.e., promoting trust among the members of its online community; therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Epinions.com to perform the steps of tallying votes received for a plurality of reviews authored by the first customer to provide a total tally, the total tally including votes received for the product review, providing over the network an indication related to the vote tally for the product review in association with the product review, assigning a designation to the first customer based on the total vote tally for the plurality of reviews authored by the first customer, and displaying the designation in association with the product review in order to further promote a sense of trust among Epinions.com's

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members by more precisely conveying feedback regarding past experiences with a particular member of the Epinions.com community.

[Claim 3] Regarding claim 3, Epinions.com does not expressly teach that the helpful votes are weighted differently than non-helpful votes; however, eBay assigns a score of +1 to a positive rating, -1 to a negative rating, and 0 to a neutral rating (eBay's Feedback Forum web site: Page 1), which effectively means that the positive (i.e., helpful) votes are weighted differently than the negative (i.e., non-helpful) votes. For the reasons discussed above, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Epinions.com to weight helpful votes differently than non-helpful votes (as taught by eBay) in order to further promote a sense of trust among Epinions.com's members by more precisely conveying feedback regarding past experiences with a particular member of the Epinions.com community.

[Claims 4-7] Regarding claims 4-7, neither Epinions.com nor eBay expressly teaches that a customer is ranked based on his/her reviews and a corresponding vote tally of helpful and unhelpful votes or that a customer is rewarded at least partly in response to the first customer achieving a first ranking. eBay does however display a star icon corresponding to an overall feedback rating, which is based on a tally of helpful and unhelpful votes (eBay's Feedback Forum web site: Pages 1, 3). Furthermore, Official Notice is taken that it is old and well-known in the art to rank items being compared to one another. Ranking items facilitates a quick comparison of the pros and cons (or other aspects of interest) of a group of items being compared. Since both Epinions.com

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and eBay encourage their members to provide more reliable and trustworthy service to one another, the members are effectively competing against one another to become featured reviewers or gain a more stellar reputation (i.e., a reputation that stands out compared to other members). Consequently, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the Epinions.com-eBay combination to perform the steps of displaying a ranking in association with a plurality of the first customer's reviews, wherein the ranking is based at least in part on the vote tally (claim 4), wherein the ranking is determined by the number of helpful and unhelpful votes received for one or more of the first customer's reviews (claim 5) in order to facilitate the selection of a member(s), based on a quick assessment of which members are the most highly rated and reputable within the community. Furthermore, as per claim 6, the rank of a member/customer would intrinsically provide a reward to the member/customer, especially if a member/customer is ranked highly and therefore presented as one of the more highly rated members of the trusted community. Additionally, eBay displays next to each member's Feedback Profile a star whose color corresponds to an overall rating (eBay's Feedback Forum web site: Pages 1, 3). The attainment of a "Shooting Star" would effectively denote a highest possible ranking; therefore, the star in and of itself is a reward for one's ranking. Consequently, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Epinions.com to reward the first customer at least partly in response to the first customer achieving a first ranking (claim 6) in order to further promote a sense of trust among Epinions.com's members by

more precisely conveying feedback regarding past experiences with a particular member of the Epinions.com community. This display of a color-coded star is indicative of the step of displaying the designation in association with a plurality of reviews authored by the first customer (claim 7).

[Claim 8] Epinions.com tallies votes from other customers regarding a product review, thereby implying that Epinions.com's vote tallies are limited to those who did not author the original product review ("Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions": ¶ 2); however, Epinions.com does not expressly teach that the first customer is actively prevented from voting on his/her own product review. Nevertheless, the Examiner asserts that Epinions.com would work against its own goal of providing consumers with unbiased opinions if it allowed first customers to rate their own product reviews. For example, Epinions.com touts that "consumers can rely on Epinions.com to offer brutally honest, relevant, and unbiased epinions. In order to maintain objectivity, Epinions.com does not create its own editorial content and the company does not sell products." ("Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions": ¶ 2) Furthermore, Epinions.com monetarily compensates its more popular reviewers, as judged by ratings of the usefulness of the reviews; therefore, Epinions.com is clearly trying to encourage reviewers to submit reviews that are generally useful to the Epinions community as a whole and Epinions.com has a vested interest in doing so, especially since financial compensation is provided. Also, Official Notice is taken that it is old and well-known in the art of voting to prevent a

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subject of the vote from participating in the actual vote tally in order to prevent the subject of the vote from unfairly skewing the voting results in his/her favor.

Epinions.com is concerned with promoting reviewers that truly meet the needs of the Epinions community as a whole; therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to adapt Epinions.com to prevent a vote on the product review from the first customer from being included in a tally of votes received for the product review in order to prevent the first customer from unfairly skewing the voting results in his/her favor while ignoring the general consensus of the Epinions community as a whole.

[Claim 9] Epinions.com tallies votes from other customers regarding a product review; however, Epinions.com does not expressly teach that each of the other customers is prevented from voting more than once in relation to the product review. However, the Examiner submits that it is old and well-known in the art of voting to only accept one vote from each eligible voter, as evidenced by eBay (eBay's Feedback Forum web site: Page 1 -- "You can leave multiple comments in someone's Feedback Profile, but they'll only count once (+1). This makes the system fair. No one can 'tip the scales' in either feedback direction, positive or negative"). In other words, this helps to ensure that each voter has no more and no less than his/her fair representation in the vote, thereby reducing the likelihood of skewing voting results in favor of the opinion of a single individual or limited group of individuals. Epinions.com promotes the formation of a community of trust in which reviewers whose opinions are more highly respected by a greater number of fellow community members are granted premier reviewer status;

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therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Epinions.com such that each of the other customers is prevented from voting more than once in relation to the product review in order to help ensure that each customer has no more and no less than his/her fair representation in the vote, thereby reducing the likelihood of skewing voting results in favor of the opinion of a single individual or limited group of individuals and increasing the likelihood of more accurately representing the opinions of the Epinions.com community as a whole.

[Claims 10, 11] Epinions.com does not expressly teach the steps of generating a profile page associated with the first customer, wherein the profile page includes an indication related to the number of helpful votes the first customer has received for a plurality of reviews authored by the customer (claim 10) and generating a profile page associated with the first customer, wherein the profile page includes the number of unhelpful votes the first customer has received (claim 11). However, eBay makes up for these deficiencies (see eBay's Feedback Forum web site: Pages 1, 3, 8). Again, while eBay's Feedback Forum focuses on ratings of the buyers' and sellers' performances related to a transaction (as opposed to Epinions.com, which rates the opinions of its members), both online communities rely on establishing trust among its members based on community ratings (e.g., see all of "Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions"). Consequently, the Examiner asserts that eBay's Feedback Forum provides a solution that is reasonably pertinent to the problem at hand in Epinions.com, i.e., promoting trust among the

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members of its online community; therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Epinions.com to perform the steps of generating a profile page associated with the first customer, wherein the profile page includes an indication related to the number of helpful votes the first customer has received for a plurality of reviews authored by the customer (claim 10) and generating a profile page associated with the first customer, wherein the profile page includes the number of unhelpful votes the first customer has received (claim 11) in order to further promote a sense of trust among Epinions.com's members by more precisely conveying feedback regarding past experiences with a particular member of the Epinions.com community.

[Claim 19] Claim 19 recites limitations already addressed by the rejection of claims 1-11 above; therefore, the same rejection applies.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Trauring (U.S. Patent No. 6,513,033) -- Discloses a method/system for the collaborative updating of reference material collections. Preferred materials can be ranked and displayed based on votes (both positive and negative votes).

Wilson (US 2002/0165905) -- Discloses a method/system for user evaluation of content on a distributed communication network.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 10 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Susanna M. Diaz
Primary Examiner
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March 14, 2006


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